

SEND

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA - EASTERN DIVISION

XXX		Case No.
	Plaintiff,	SETTLEMENT CONFERENCE ORDER
	v.	Date:
XXX		Time:
	Defendant.	Location: Courtroom Number 1
		3470 Twelfth Street, Riverside, California

**TO ALL PARTIES AND COUNSEL OF RECORD:**

The above matter was referred to United States Magistrate Judge Stephen G. Larson for a Mandatory Settlement Conference. The conference is scheduled for the date and time as indicated above.

Required Attendance at the Settlement Conference

UNLESS EXCUSED BY AN ORDER OF THE COURT, clients or client representatives with complete authority to negotiate and consummate a settlement shall be in attendance at the settlement conference. This requires the presence of the client or, if a corporate, governmental, or other organizational entity, an authorized

1 representative of the client. For a defendant such representative must have final  
2 settlement authority to commit the organization to pay, in the representative's own  
3 discretion, a settlement amount up to the plaintiff's prayer, or up to the plaintiff's last  
4 demand, whichever is lower. For a plaintiff, such representative must have final  
5 authority, in the representative's own discretion, to authorize dismissal of the case  
6 with prejudice, or to accept a settlement amount down to the defendant's last offer. If  
7 any plaintiff or defendant is a natural person and not a corporate, governmental, or  
8 other organizational entity, that person shall attend the settlement conference.

9 Any insurance company that is a party or is contractually required to defend or  
10 to pay damages, if any, assessed within its policy limits in this case must have a fully  
11 authorized settlement representative present. Such representative must have final  
12 settlement authority to commit the company to pay, in the representative's own  
13 discretion, an amount within the policy limits, or up to the plaintiff's last demand,  
14 whichever is lower.

15 Having client with authority available by telephone is not an acceptable  
16 alternative, except under the most extenuating circumstances and with prior Court  
17 approval.

18 Counsel appearing for the settlement conference without their client  
19 representatives or insurance company representatives, authorized as described above,  
20 will cause the settlement conference to be canceled or rescheduled. The non-  
21 complying party, attorney, or both may be assessed the costs and expenses incurred  
22 by other parties and the Court as a result of such cancellation, as well as any  
23 additional sanctions deemed appropriate by the Court. Counsel are responsible for  
24 timely advising any involved non-party insurance company of the requirements of  
25 this order.

26 Confidential Settlement Conference Statement  
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1 At least five court days prior to the conference, each party shall submit a  
2 Confidential Settlement Statement to the Magistrate Judge. The settlement statement  
3 shall not become a part of the file of the case, but shall be for the exclusive use of the  
4 Magistrate Judge in preparing for and conducting the settlement conference.

5 The settlement statement shall contain the following: (1) A specific and concise  
6 recitation of the facts; (2) a discussion of the strengths and weaknesses of the case;  
7 and (3) the parties' position on settlement, including a present settlement proposal,  
8 and a report on settlement efforts to date. If not already part of the Court file, copies  
9 of any critical agreements, business records, photographs, or other documents or  
10 exhibits shall be attached to the settlement statement. The settlement statement  
11 should not be lengthy, but should contain enough information to be useful to the  
12 Magistrate Judge in analyzing the factual and legal issues in the case. The parties are  
13 directed to be candid in their statements. Parties should also inform the Court of any  
14 special needs of the clients or counsels so as to insure that everyone present can fully  
15 participate in the settlement conference.

16 The settlement statement shall not be filed with the clerk, but shall be mailed to  
17 the undersigned Magistrate Judge at United States District Court, 3470 twelfth Street,  
18 Riverside, California, 92501. Copies of the settlement statement shall not be  
19 provided to the other parties in the case.

20 Counsel are directed to confer with their clients in advance of the conference to  
21 explore the party's settlement position, and the parties are encouraged to exchange  
22 settlement proposals prior to the conference. These steps will enable the conference  
23 to progress more expeditiously.

#### 24 Confidentiality

25 Notwithstanding the provisions of Federal Rule of Evidence 408, all statements  
26 made by the parties relating to the substance or merits of the case, whether written or  
27 oral, made for the first time during the settlement conference shall be deemed to the  
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1 confidential and shall not be admissible in evidence for any reason in the trial of the  
2 case, should the case not settle. This provision does not preclude admissibility in  
3 other contexts, such as pertaining to a motion for sanctions regarding the settlement  
4 conference.

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6 IT IS SO ORDERED.

7 Dated  
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STEPHEN G. LARSON  
United States Magistrate Judge  
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